

Appl. No. 10/700,614
Atty. Docket No. 9422L
Amtd. dated 02/____/2006
Reply to Office Action of 11/04/2005
Customer No. 27752

REMARKS

Claim Status

Claim 1 is amended to recite that at least one of the burnishes has a generally planar outwardly oriented first surface. The first surface further has a length and a width, allowing for contact of the first surface with the sheet material. Basis is found in the specification (7:17-21; 11:3-10; Fig. 1A:30-31; and Fig. 2:30-31). No new matter is added.

Claim 2 is amended to recite that both burnishes may contact the sheet during use. Basis is found in the specification (10:18-11:2). No new matter is added.

Claims 1-7, 9, 11, and 12-14 are rejected under 35 USC 102(b) as anticipated by Buske (U.S. 3,907,628). Claim 10 is rejected under 35 USC 103(a) over Buske in view of Takahashi (U.S. 4,026,648). Applicants note with appreciation the allowance of Claims 13-14 and the objection to Claim 8 indicating it would be allowable if rewritten in independent form, including all limitations of the base claim and intervening claims.

Regarding Buske, the Office Action states (para. 7) that Buske shows flat burnishes in Figs. 1-4. More particularly, the Office Action points to "the flat end of the brushes on the applicator" as being flat burnishes.

Applicants understand that "flat end of the brushes" cited by the Office Action is the Buske brushing strip 54. The brushing strip 54 is used "in order to brush away any loose particles or other dirt present on the face of the sheet material 40" (5:58-60).

The brushing strip 54 does not have a generally planar first surface having a length and a width which can be used to burnish the sheet throughout such length and width, as recited in the present claims. The brushing strip 54 of Buske is not used to, or usable to, burnish the sheet material in the manner required by the instant claims.

Particularly, Buske is devoid of any teaching to use the brushing strip 54 for the purpose of contacting a sheet throughout the length and width of a flat burnish. Buske simply does not teach using the brushing strip 54 as a burnish, or for any purpose other than to "brush away any loose particles or other dirt ...".

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Buske additionally fails to disclose any other element usable as a flat burnish having a length and a width, and which can contact sheet material throughout the length and width. For example, the legs 16, 18 adjacent the brushing strip 54 cannot provide such a flat generally planar burnish which can contact the sheet material throughout a length and width. Instead, as illustrated in Fig. 4, the legs 16, 18 are spaced away from the sheet material due to their concave geometry. One of ordinary skill would not be led to use the legs of the Buske device as a planar burnish, given that the concavity of the legs would provide, at best, for tangential contact rather than the claimed contact throughout a planar length and width.

Even *assuming arguendo* Buske did contain a teaching to use the legs 16, 18 as a burnish, the legs 16, 18 do not have both a length and width which can be used to provide generally planar contact with a sheet material, as required by the instant claims. Neither the Buske brushing strip, legs, nor any other component of the Buske device provides the generally planar contact throughout a length and width, as required by the instant claims. There is not an obvious modification of Buske to achieve such a configuration.

The Buske device does not provide the benefit of the claimed applicator – flat burnishing, through a length and width so that sheet material is properly treated by the applicator. The Examiner is respectfully requested to enter the foregoing amendments, and to reconsider and allow all claims remaining in the application.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By _____

Signature

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Customer No. 27752